

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI

**DIVISION: 6**

**HON. THOMAS B. LINDBERG**

**CASE NO. P1300CR20081339**

**JEANNE HICKS, CLERK**

**By: Heather Smith, Deputy Clerk**

**DATE: November 4, 2009**

**FILED**

**DATE: 11/04/09**

**9:38 O'Clock A.M.**

**JEANNE HICKS, CLERK**

**BY: HEATHER SMITH**  
Deputy

**TITLE:**

**STATE OF ARIZONA**

(Plaintiff)

**vs.**

**STEVEN CARROLL DEMOCKER**

(D-1)

**COUNSEL:**

**Yavapai County Attorney**

(For Plaintiff)

**John Sears**

107 North Cortez Street, Suite 104  
Prescott, AZ 86301

**Larry Hammond**

**Anne Chapman**

OSBORN MALEDON, P.A.  
2929 North Central Avenue, 21<sup>st</sup> Floor  
Phoenix, AZ 85012

(For Defendant)

**HEARING ON:**

Continued Evidentiary Hearing / Oral Argument / Chronis Hearing

**NATURE OF PROCEEDINGS**

**COURT REPORTER**

Roxanne Tarn

**START TIME: 9:38 a.m.**

**APPEARANCES:** Joseph Butner, Deputy County Attorney  
Steven Carroll DeMocker, Defendant in Custody  
John Sears, Counsel for Defendant  
Larry Hammond, Counsel for Defendant

At 9:38 a.m., Court reconvenes with Counsel for State, Counsel for Defendant Sears and Counsel for Defendant Hammond present in chambers.

Counsel for Defendant waives the presence of the Defendant.

Parties discuss what comes next in this matter and where the matter is going.

Counsel for Defendant, Sears, believes the parties shall file a memorandum with the Court before the balance of testimony to provide the Court with their beliefs as to the aggravators.

Counsel for State agrees to continue the rest of the testimony to a later date to allow time for filing of the memorandum.

Counsel shall file an interim memorandum by November 12, 2009 to include which evidence applies to which aggravators and what the implications may be.

Parties discuss the week of November 17, 2009 in which this matter is set for pending motions, arguments and testimony as to the Chronis.

Counsel will e-mail the Judicial Assistant and the Court with what motions they believe are pending and will need to be handled the week of November 17, 2009.

Court notes, on November 17, 2009, the parties will provide oral argument on pending motions and will commence at 9:00 a.m. On November 18, 2009, the parties will discuss the Franks issue and will commence at 9:00 a.m. On November 19, 2009, the Court will have a continuation of the Chronis hearing and will commence at 9:00 a.m.

Counsel for Defendant, Sears, agrees and so is ordered, to provide the State with the Curry Report by November 9, 2009 at 12:00 p.m.

Parties discuss issues regarding the Defendant and his transportation while in custody. Counsel will work on that issue.

Court will take Judicial notice of all aspects of the Simpson Hearing previously held and the divorce file involving this Defendant.

Court directs the Clerk to provide the Court with all the admitted exhibits to this point with the exception of photos.

~\*~\*~\*~\*~ Recess – 10:24 a.m. ~\*~\*~\*~\*~

**END TIME: 10:24 a.m.**

cc: VS (e)  
Division 6  
Dean Trebesch (Contract Administrator) (PD) (e)  
YCSO (e+)